

## **EXHIBIT II**

**COMMONWEALTH OF PENNSYLVANIA**  
**Department of Corrections**  
**SCI-GREENSBURG**  
**724-837-4397**

**SUBJECT:** Grievance Appeal - Superintendent's Response  
**Ref:** 1 DC-ADM 804  
2 Grievance # 41097

**TO:** Cassius Clay, DQ-5954  
L-16

**FROM:**

  
L.P. Behning  
Superintendent

In regard to the subject and referenced, I have reviewed your grievance and the staff's response to your initial grievance.

In your appeal you refer to section VI., Procedures, subsection E., Handling and Distribution of Mail, paragraph 3., of the inmate mail policy. This policy basically says that the incoming mail will be opened and inspected for contraband. It also says that money orders will be processed. The statement that money orders will be processed assumes that the incoming mail does not contain any contraband. In your case, your mail did contain contraband, therefore, processing the money order would not apply.

You also refer to section VI., subsection E., paragraph 4., which says that if a personal check or cash is discovered upon inspection, the entire piece of mail is to be returned to the sender because of non-permitted contents. Even though, in your case, a personal check or cash was not discovered, contraband was discovered in your mail. This policy section supports our position that your entire piece of mail was returned to the sender.

This paragraph also states that when mail is to be returned to sender, a notice should be included explaining that it is being returned because of non-permitted contents. The mailroom staff followed policy by attaching a notice to the letter that it was refused because the contents were not approved.

You also refer to section VI. Subsection E., paragraph 2., subparagraph f., which says all incoming mail will be delivered to the inmate within twenty-four hours. This statement assumes that your mail did not contain any contraband. Since your mail did contain contraband, this statement does not apply.

You also refer to section VI., subsection E., paragraph 7., which states that mail containing contraband will be confiscated and held for inspection and returned to sender. When the contraband was discovered in your mail, it was held to ask Security for advice. Even though Security did not actually inspect it, they confirmed that it was contraband and instructed it be returned to sender. This policy section also supports our position.

You request to credit your account for the money order is denied. Your request to track the letter is also denied since the post office is unable to trace a non-certified letter. Also, your request for a log with the numbers of the money orders and lottery tickets is denied because no such log is kept.

Based on the above, your grievance is denied at this level.

LPB:lmc

cc: Mrs. Marhefka  
DC-15  
file

DC-804  
Part 1COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598

FOR OFFICIAL USE ONLY

GRIEVANCE NUMBER

APPEAL Grievance 41097 CAMP HILL, PA 17001-0598  
OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR SUPERINTENDENT L.P. BENNING	FACILITY: S.C.I. GREENSBURG	DATE: 1-30-03
FROM: (INMATE NAME & NUMBER) CASSIUS CLAY DQ-5954	SIGNATURE of INMATE: <i>Cassius Clay 1-30-03</i>	
WORK ASSIGNMENT: PM Janitor	HOUSING ASSIGNMENT: I-16	

## INSTRUCTIONS:

1. Refer to the DC-ADM 804 for procedures on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

This Appeal is in response to the grievance answer given in Grievance No. 41097. In which the officer stated that; I listed a number of sections of the Dc-ADM 803 Inmate Mail Policy, But failed to state and make clear what provisions of the policy were not followed Here are CLEAR VIOLATIONS of the policy AGAIN. In section 803 VI, E of the DC-ADM, It states; Incoming mail will be opened and inspected for contraband in the facility's mail room. Money orders and certified checks will be recorded, indicating the nature of the receipt, the sender, the amount received, and the date. A cash transaction receipt will be issued to the sender/inmate for all amounts received. Then, the money orders and/or certified checks will be forwarded to the facility business manager who will deposit the money into the inmates account. IN this matter this was not done, where my money order was not recorded, I could not go to the commissary, I could not send money out to pay the phone bill and my cable got cut off, all because of this Violation of 803 VI, E. of the procedures. IN the section right below that 803 VI E, 4 It states that the facility will not accept personal checks or cash sent through the mail. IF A PERSONAL CHECK OR CASH IS discovered during an inspection for contraband, (then) The Entire Piece of mail is to be returned to the sender WITH A NOTICE that it is

B. List actions taken and staff you have contacted, before submitting this grievance.

Wrote a Initial Grievance that was not properly Addressed, where the policy that was given DC-ADM 803 VI 6 Is for OBSENCE MAIL?

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date

DC-804  
Part 1COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
APPEAL Grievance 41097 P.O. BOX 598  
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

GRIEVANCE NUMBER

## OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR	FACILITY:	DATE:
SUPERINTENDENT I. B. BENNING	S.c.i. Greensburg	1-30-03
FROM: (INMATE NAME & NUMBER)	SIGNATURE of INMATE:	
cassius clay DQ-5954	<i>Cassius Clay</i>	
WORK ASSIGNMENT:	HOUSING ASSIGNMENT:	
Pm Janitor	L-16	

## INSTRUCTIONS:

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2. State your grievance in Block A in a brief and understandable manner.
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A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

being returned beacuse of non-permitted contents. Where as here if I didn't ask after calling home I would have never known, and up untill this day , the mail has not been recieved,by anyone DC-ADM 803 VI 2 f States that ; all incoming mail will be delivered to the inmate within twenty-four hours. This did not happen in my case, still another violation without any reason as of yet. The last violation is a Violation of your own well known Institutional policys at greensburg concerninf the mail. After reconfirming with verious, C.O. S Unit managers, Sargents and older Inmates, it is the consensus opnion that the money order would be placed in your account, and if contraband mail, you will be called down to the bubble, and after count clears, will have to take an envelop to the security office to send mail out yourself, with confication slip. Even DC 803 VI E 7 States that Incoming mail containing Contraband will be confiscated and held for further inspection, and returned to sender if known. Again I would ask at this level that I would be companseated 150.00, and this letter be tracked, from here, beacuse this is where the errounsely violations were made, and I would like a copy of the log for that date with the numbers of the money order, and lottery ticket recordered in. In the event this is not accomplished an appeal to the Chief Secretary's office, and a civil complaint would be fourth coming.

B. List actions taken and staff you have contacted, before submitting this grievance.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date

**COMMONWEALTH OF PENNSYLVANIA**  
**Department of Corrections**  
**SCI-GREENSBURG**  
724-837-4397

**SUBJECT:** Grievance Appeal - Superintendent's Response  
Ref: 1 DC-ADM 804  
2 Grievance # 41097

**TO:** Cassius Clay, DQ-5954  
L-16

**FROM:** L. P. Benning  
Superintendent

In regard to the subject and referenced, I have reviewed your grievance and the staff's response to your initial grievance.

*TO me (only!)  
Can open up and further on this  
grievance - please advise by 2/6  
LPB  
sent 2/4*

Based on the above, your grievance is \_\_\_\_\_ at this level.

LPB:lmc

cc: Mrs. Marhefka  
DC-15  
file

DC-804  
Part 2COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001OFFICIAL INMATE GRIEVANCE  
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

41097

TO: (Inmate Name & DC No.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE
Cassius Clay DQ5954	SCI-GREENSBURG	L-SECTION	1/13/03

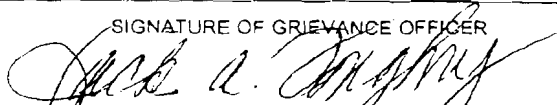
This is in response to your grievance that your letter and money order were returned to sender contrary to policy.

On 12/24/02, a letter addressed to you containing a money order and a powerball ticket was received in the mailroom. The powerball ticket was deemed contraband and so the letter and its contents were returned to sender.

You state that the DC-ADM 803 inmate mail policy was not followed and you list a number of sections of the policy. However, you failed to state and make clear what provision of the policy was not followed. Refer to section VI Procedures, A Mail Privileges, paragraph 6 which states that no contraband shall be contained in the mail. Such mail will be returned to sender. According to this paragraph, the policy was followed. You should inform your correspondents that lottery tickets of any kind are contraband and should not be included in your mail.

You also state that the letter and its contents were not received by the sender. This is unfortunate but we are unable to put a tracer on the letter. Once the letter is returned to the Greensburg Post Office, we no longer have control over it. Your request to credit you account for the amount of the money order is denied.

cc: Angie Marhefka  
Records Office  
Mailroom  
file

Print Name & Title of Grievance Officer	SIGNATURE OF GRIEVANCE OFFICER	DATE
Jack A. Loughry, Business Manager		1/22/03

DC-804  
Part 1COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001-0598

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41097

GRIEVANCE NUMBER

NO. 1

## OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR Mrs. Marhefka	FACILITY: S.C.I. GREENSBURG	DATE: 1/11/03
FROM: (INMATE NAME & NUMBER) CASSIUS M. CLAY DQ5954	SIGNATURE of INMATE: <i>Cassius Clay</i>	
WORK ASSIGNMENT: PM JANITOR	HOUSING ASSIGNMENT: L-16	

## INSTRUCTIONS:

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2. State your grievance in Block A in a brief and understandable manner.
3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

## A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

On 12-22-02 a money order was mailed to me for \$150.00 When I called home on christmas my mom told me that my neice also purchased a powerball ticket, and accidentally mailed it with the money order. On christmas I wrote a request to the mail room asking about my money order. On 12-31-02 I personally waited for the mail lady (Mrs. Candy Brimmer) to ask about my request that was sent & the money order. She informed me that she received the letter & the ticket on the 23rd, and when she saw the ticket she called the security captain, and he told her to send it all back. I asked her when and she said on the 26th, cause of the holidays. The next day I received the request back and J. Bickers said all the mail has been passed out, and we are all caught up with late mail.. On the 7th of Jan. I again asked Mrs. Brimmer in front of the officers desk about the letter, and she said that she sent it back and I should have already have received it. I have called my mother about nine times or more during the time span of 12-25-02 up until today, and she does not have the money order or letter or ticket. She also called the post office in Hazelwood and they told her that there was no mail from Greensburgh prison with return to sender. As this has been a hole lot of trouble and expense; ( my cable has been turned off, numerous calls to my mother, no commissary) I ask;

## B. List actions taken and staff you have contacted, before submitting this grievance.

1. Wrote request to mail room supervisor on 12-26-02.
2. Talked to Mrs. Candy Brimmer on 12-30-02, she said the security captain told her to send the confiscated mail back, ( without notice or confiscation slip, or my signature )
3. Talked to C.O. Starks he told me to write a grievance, but did not know the postal ladies name.
4. Talked to Block officer Houtzel, she called the security office they said they didnt know anything about it . on 1-7-03 & 1-8-03.
5. Talked to Mrs Brimmer again on 1-7-03, she said they should have it.
6. Talked to Mr. Harrison, and wrote him a request, he said to Grieve it.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

*Angie Marhefka*  
Signature of Facility Grievance Coordinator

1-13-03  
Date

DC-804  
Part 1COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P.O. BOX 598  
CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

41097

GRIEVANCE NUMBER

NO. 2

## OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR Mrs. Marhefka	FACILITY: S.C.I. GREENSBURG	DATE: 1/11/03
FROM: (INMATE NAME & NUMBER) Cassius m. clay DQ5954	SIGNATURE of INMATE: <i>Cassius Clay</i>	
WORK ASSIGNMENT: PM JANITOR	HOUSING ASSIGNMENT: L-16	

## INSTRUCTIONS:

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A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

that since the D.O.C. DC-ADM 803, Inmate Mail and Incoming Public-ations Policy, Has not been followed in this case, that the ADMINISTRATION here Put a trace on the mail from here to the re-turn address (which should have been 727 JOHNSTON AVE., Pgh, PA 15207) or/and place the \$150.00 amount of the money order as a credit to my account, and return my cable service as this was not my fault, as the facility's POLICIES were not followed in breech of: DC-ADM 803 VI.D.1.c., 803 VI.E.1.e. & f., 803 VI.E.3.&4. 803 VI.A.3.b. and would include 803 VI.E.6.7. and allof section 8. -

THANK YOU FOR YOUR TIME IN THIS MATTER.

B. List actions taken and staff you have contacted, before submitting this grievance.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

*Angie Marhefka*  
Signature of Facility Grievance Coordinator

*1-13-03*  
Date